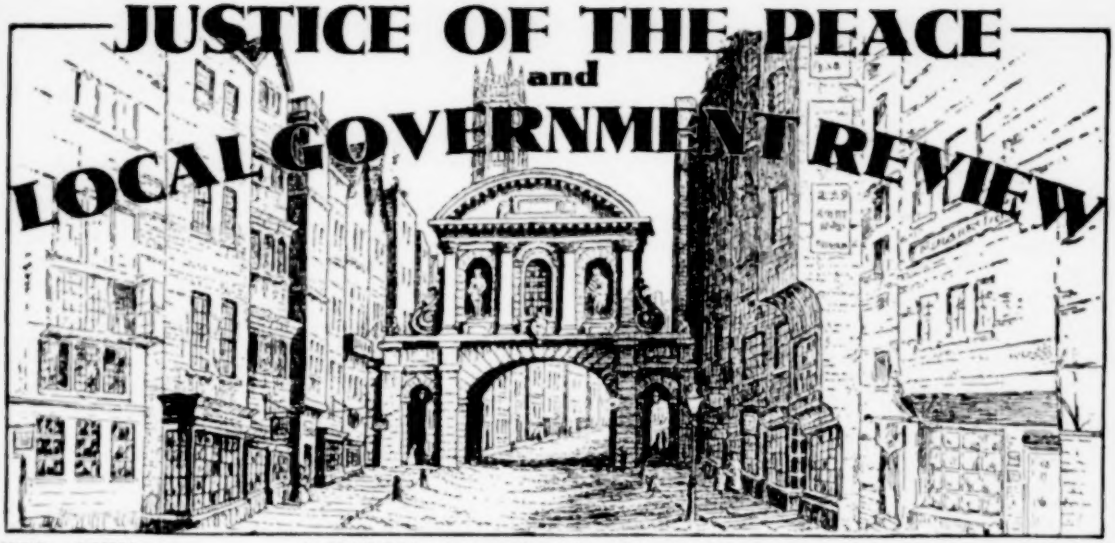
JUSTICE OF THE PEACE and LOCAL GOVERNMENT REVIEW



VOL. CXIV. LONDON: SATURDAY, APRIL 29, 1950. No. 17

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REPORTS

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

COUNTY OF BERKS

Appointment of (a) Assistant Solicitor (b) Assistant Committee Clerk

APPLICATIONS are invited for the following appointments :—

(1) Assistant Solicitor, at a salary in accordance with National Conditions (*a*) after admission and on first appointment : APT V (*a*) £550-£610) ; (*b*) after two years' legal experience from the date of admission : APT VII (£635-£710).

(2) Assistant Committee Clerk, salary within APT I-II (£390/£465).

Candidates for appointment (1) should have a sound experience of conveyancing, and previous local government experience although not essential, will be an advantage. The successful candidate must be prepared to undertake advocacy and assist in the general legal work.

Candidates for appointment (2) should possess a knowledge of local authority committee procedure and preference will be given to those candidates who have passed the promotion examination and have a knowledge of Highway Committee work.

The appointments are subject to National Conditions and to the Local Government Superannuation Act, 1937, and the successful candidate must pass a medical examination. Housing accommodation is not at present available.

Canvassing will disqualify and every candidate must disclose whether to his knowledge he is related to a member of the Council or to the holder of any senior office under the Council.

Applications, stating age, full details of experience and qualifications, and indicating clearly for which appointment application is made, together with the names and addresses of two referees, must reach the undersigned not later than May 6, 1950.

H. J. C. NEOBARD,
Clerk of the Council.

Shire Hall,
Reading.

BOROUGH OF SOUTHGATE

Appointment of Second Assistant Solicitor

APPLICATIONS are invited for the appointment of a Second Assistant Solicitor on the Established Staff of the Town Clerk's Department.

The salary will be in accordance with Grade VA of the A.P.T. Division of the National Scheme of Conditions of Service, namely at the rate of £550 per annum rising by annual increments to £610 per annum plus the appropriate "London Weighting" allowance.

Applicants should possess experience in Local Government work, Conveyancing and Advocacy, and must be admitted Solicitors.

The appointment will be subject to (1) the provisions of the Local Government Superannuation Act, 1937 (2) the successful candidate passing satisfactorily a medical examination and (3) termination by one month's notice in writing on either side.

Application forms for the above appointment may be obtained from the Town Clerk, Southgate Town Hall, N.13, to whom the completed forms should be returned by not later than first post on May 6, 1950.

Canvassing either directly or indirectly will be a disqualification.

GORDON H. TAYLOR,
Town Clerk.

Southgate Town Hall,
Palmers' Green,
N. 13.

INQUIRIES

DETECTIVE AGENCY (HOYLAND'S) (T. E. Hoyland, **ex-Detective Sergeant**) ; Member of British Detectives Association and Federation of British Detectives. **Divorce**, Process serving, Observations, **Confidential investigations** and Status inquiries anywhere. Male and Female staff. **Over 150 Agents in various parts of the country.**—1, Mayo Road, Bradford. Tel. : Bradford **26823** day or night. Telegrams : "Evidence" Bradford.

COUNTY BOROUGH OF SOUTHAMPTON

Female Probation Officer

APPLICATIONS are invited for the above whole-time appointment.

Applicants should be between the ages of 23 and 40 except in the case of a whole-time serving officer.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers' (Superannuation) Order, 1948, and the salary will be in accordance with the prescribed scale.

The successful applicant will be required to pass a medical examination.

Applications, stating age, qualifications and experience, together with copies of not more than three recent testimonials, should be received by the undersigned not later than Saturday, May 13, 1950.

ARTHUR J. ROGERS,
Clerk to the Justices.

Magistrates' Clerk's Office,
Law Courts,
Southampton.

METROPOLITAN MAGISTRATES' COURTS

APPLICATIONS are invited from male qualified barristers or solicitors for a permanent and pensionable post of Clerk in the Metropolitan Magistrates' Courts Service.

Applicants should be not less than 26 but not more than 32 years of age on May 1, 1950.

The salary for the post is £500 per annum at age 26, plus £25 for each year above that age. After the satisfactory completion of a period of probation of not less than one and not more than two years the successful candidate would be regraded as a Deputy Chief Clerk on a salary scale of £800 per annum minus £25 for every year below the age of 30 at the date of regrading, rising by annual increments of £25 to £950. Intending candidates should apply in writing not later than May 13, 1950, to the Senior Chief Clerk, Bow Street Magistrates' Court, W.C.2., giving full particulars of their experience and qualifications, date of birth and the names of two referees who may be approached as to character. Further information regarding the post may also be obtained from the above address.

Justice of the Peace
and
Local Government Review

[ESTABLISHED 1837.]

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LONDON : SATURDAY, APRIL 29, 1950

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NOTES of the WEEK

. . . . the Law's Delay

A metropolitan magistrate is reported recently to have commented unfavourably on the delay in instituting proceedings in a case before him in which three defendants were summoned for dealing with six uncustomed watches. The transaction which gave rise to the prosecution had taken place in the period from July, 1947, until January, 1949. Towards the end of 1948, the officers of Customs and Excise began investigations, and in early February, 1949, the alleged chief offender made a full statement. The informations, however, were not laid until the end of January, 1950, and the summonses were not heard until March. The informations were laid in time, since s. 257 of the Customs Consolidation Act, 1876, provides that informations shall be brought within three years of the offence being committed.

The magistrate pointed out that the defendants, who gave evidence on their own behalf, were being asked to pledge their memory concerning the details of conversations which took place over fourteen months ago. It was inevitable that during that time a witness would forget many of the details of a conversation and, human nature being what it is, he would tend to remember those matters which were to his credit and, quite honestly, to forget those which told against him. The Investigation Officer was a trained witness and he had his notes, which he made at or shortly after the interviews, to refresh his memory. In some ways, however, these notes could be misleading for they did not purport to be a verbatim account of the interview, but over a period of time, instead of being the framework of the witness' evidence, the notes tended to become fixed in the witness' mind as his evidence. A perfectly honest witness might well fail to make a note concerning some matter as it appeared irrelevant to him at the time, but if his attention was directed to the matter in cross-examination which took place at a reasonable time after the conversation, he could recall it. If, however, the cross-examination was delayed for a considerable period it often occurred that the witness would quite genuinely fail to recall anything that was not recorded in his notes.

The magistrate found the case proved against one of the defendants, but he stated that in view of the delay which had kept the matter hanging over the defendant's head for more than a year he would impose a substantially smaller penalty than he would otherwise have done. He added that he had considerable sympathy with those responsible for launching such prosecutions as the careful investigations which were called for, the shortage of staff, and the very size of the machinery they had to operate inevitably led to delays, but he felt that every effort should be made to ensure at least that once there was sufficient material to justify a prosecution the delay should be reduced to a minimum.

Maintenance Orders : The New Bill

The Maintenance Orders Bill, which was introduced in the House of Lords by the Lord Chancellor, is sure to receive a general welcome. Its full title is "An Act to enable certain maintenance orders to be made and enforced throughout the United Kingdom," and it is hoped that it will remove the difficulties revealed by such decisions as *Forsyth* v. *Forsyth* [1947] 1 All E.R. 406.

In moving the second reading on April 4, the Lord Chancellor explained that it dealt with maintenance orders in favour of wives, affiliation orders, and orders under the Guardianship of Infants Acts. Under the new Bill, if a husband and wife resided in England and the husband deserted his wife and went to Scotland, she could apply to an English court or to the court in Scotland having jurisdiction, where her husband resided. Lord Jowitt said the Bill contained many intricacies which would have to be examined in committee.

As it was agreed that the measure is entirely uncontroversial, we may hope to see it become law before long. It has long been needed, and, as the Lord Chancellor said, it will remove many cases of hardship.

Reports from Remand Homes

It is often said that a good remand home is an essential adjunct to an efficient juvenile court. It can sometimes fulfil some of the functions of an observation centre, and valuable reports from medical officers, psychologists and, perhaps, from the superintendent, provide just the kind of information the court needs.

Recently the chairman of a juvenile court protested against the action of the local authority in arranging for a report from the remand home to be sent to the authority instead of to the court direct. He seems to have complained of failure to obey the order of the court and of the local authority having overruled that order.

It looks like a misunderstanding. Actually, it is rather a request than an order which emanates from a juvenile court for a report. The request is always complied with, and so no question of the power of the court to issue an order is allowed to arise. The remand home is the responsibility of the local authority, and if a report is required from a person who may be the servant of that authority it is not unnatural that the authority should wish to see that the report is in suitable form, and perhaps to make a copy for record purposes. If this procedure causes undue delay in a particular instance, that is no doubt a matter for comment, but we doubt whether a court can give an order for

reports to be sent direct, especially if they are part of the general report of the local authority.

However, misunderstandings of this kind rarely occur, and no doubt this one will be cleared up. Excellent co-operation exists between juvenile courts and local authorities, and in this case a representative of the children's department promised to bring the complaint of the chairman to the notice of the children's officer. We cannot believe there was any want of respect to the court intended.

Attendance Centres Anticipated

The learned deputy-chairman of Glamorgan Quarter Sessions recently made probation orders in the case of two young offenders, aged seventeen and eighteen, by which they were required to report on Saturday afternoons, once a month, for six months at a police station and be employed suitably there under the control of the police. Each visit was to be from 2 to 5 *p.m.*

Such requirements are certainly such as may be likely to prevent the repetition of the offence or the commission of other offences, and as the precaution was taken of ordering the two young fellows to attend on different afternoons there is no danger of undesirable meetings. They will no doubt find it irksome to have to spend six Saturday afternoons at work instead of playing or watching games or going to the pictures, and it should be a wholesome experience.

When attendance centres become available this kind of treatment can be ordered by courts of summary jurisdiction, under s. 19 of the Criminal Justice Act, 1948, but under that section the aggregate period of attendance is not to exceed twelve hours, which many people have thought rather short. In the meantime, the expedient of a requirement in a probation order may be found to work well, given co-operation from the police.

Whether the attendance centres will be managed by the police, or by some other authority, we do not know. Possibly it will be found necessary to have different centres for different age groups.

Connivance

When a husband who suspected his wife of adultery, kept watch and detected her in the act, but did nothing then and there, it was held that such inaction for the sole purpose of obtaining necessary evidence did not amount to connivance. He was in no worse position than he would have been if he had employed an agent to watch. *Mudge* v. *Mudge and Honeysett* [1950] 1 All E.R. 607.

Manning v. *Manning, Fellows* v. *Fellows* [1950] 1 All E.R. 602, may be contrasted. In *Mudge* v. *Mudge*, the husband had not, by passive acquiesence, lulled his wife into a sense of security for his own purposes. In *Manning* v. *Manning*, a husband and a wife were each suspicious of the relationship between the other wife and the other husband, and they set out to obtain evidence of misconduct, doing nothing to put a stop to the relationship, but rather, it was said, encouraging it and providing opportunities for misconduct. Upon petitions for divorce, it was held that the fact that the motive of the two petitioners was to obtain conclusive evidence was immaterial, the principle *volenti non fit injuria* applied; and they had connived at the adultery and were not entitled to relief.

Prison Without Bars

If a prisoner escapes from a "minimum security" prison and commits some fresh offence, it is natural that local people should be disquieted, especially if the fresh offence involves violence. Not very long ago, there was quite an outcry because of an incident of this kind, and in consequence, there was some criticism of the responsible authorities.

It is reassuring to learn the truth about one such prison, Leyhill, from its governor. Addressing a meeting recently, he said the prisoners were carefully selected. There had been escapes, including one regrettable incident, but no one was infallible. Prisoners went before a Board at Wakefield Prison and their cases were carefully considered by the Home Office before they were sent to Leyhill.

People who think that such a prison is a sort of Butlin's camp may be surprised to learn that the men are kept on the go from 6.30 *a.m.* to 10 *p.m.* They work 48 hours a week, their leisure is planned, and there is no lounging.

Statistics quoted by the governor, Mr. J. E. Henderson, showed that while the number of prisoners in Leyhill had increased, the number of escapes had decreased since 1946. In that year Leyhill's population was 253 and escapes nine; in 1947, 377, escapes fourteen; in 1948, 437, escapes eight; in 1949, 500, escapes five. "All these men, with one exception, were caught within a few days, and only one committed an offence," he said. Of 340 men discharged, only nine were reconvicted."

Terms of Appointment of Probation Officers

Discussions have been taking place for some time between the County Councils Association and the Association of Municipal Corporations with regard to the setting up of a joint negotiating committee for the probation service. Arising from the earlier discussions the Secretary of State was asked to cease regulating the terms and conditions of employment of probation officers by rules made under the Criminal Justice Act, 1948, leaving it to the Negotiating Committee to promulgate their conclusions. The Home Office intimated, however, that they were advised that it would not be open to the Secretary of State not to prescribe the remuneration, allowances and expenses to be paid by probation committees to probation officers and that it would not be possible to proceed on a basis other than that the function of the negotiating committee would be to make recommendations to the Secretary of State. The associations are still of opinion that the negotiating machinery for the probation staff should be in similar form to that for other local government staffs, but agreed to participate, for the time being, in the proposed joint negotiating committee on the understanding that amending legislation is introduced at the earliest opportunity to permit the negotiating machinery for this service to be on a similar basis to other joint committees. The Secretary of State is not, however, prepared to give such an assurance, but will be prepared to consider the matter afresh if the proposed arrangements prove to be unsatisfactory in practice. The associations have therefore reluctantly decided to participate in the joint committee rather than that the fixing of the probation officers' salaries should continue to be dealt with by the Home Office as hitherto.

The agreed scheme provides for the appointment of a committee consisting, on the employers' side, of four representatives each of the Association of Municipal Corporations and the County Councils Association, three of the Magistrates' Association and two of the Home Office. The employees' side will be represented by members appointed by the Association of Probation Officers. The functions of the committee will be to consider and make recommendations to the Secretary of State with regard to the terms and conditions of employment of probation officers; and in pursuance of these functions the committee will co-operate as may be desirable with other joint councils and committees of common interest. The chairmanship will alternate annually between the employers' and employees' sides. In the event of the committee failing to reach agreement

on any matter, it will be competent to either side to refer the matter in dispute to the Minister of Labour and National Service for submission to any appropriate form of arbitration.

The Thames Conservancy

About this time of year we have often noticed the customary annual statement of the chairman of the Conservators of the River Thames. The year 1949 was one of steady improvement, without anything sensational in the way of floods or droughts. The relation between the conservators and the atomic energy research establishment had been mentioned previously: other modern developments which have their repercussion on the preservation of the river are to be found in the New Towns Act, 1946, and the nationalization programme which means, for example, an increased volume of effluent from gas works. On a long view one of the most interesting features of the chairman's report, and of the annual meeting of the conservators at which it was discussed, related to land drainage. Those who are not experts in the matter would probably not realize the relationship between the improvement of the river and the level of the subterranean water table. Economic history is to be found reflected in the fact that parishes in the Thames Valley comprise low ground as well as high, so that people in a particular manor, or other unit of population, would have water meadows as well as high land meadows and could move their stock according to the time of year. From atomic energy research to the watering of cattle is a far cry, until one thinks about it, but a body like the Thames Conservancy Board touches the life of the country at almost every point bringing forth, so to speak, into its treasure things both new and old.

FELONIOUS JURYMEN

The case of *R.* v. *Kelly* noticed on p. 168 *ante* is of legal importance only because it disposes of what seems to have been a new point, in regard to the composition of the jury in a criminal case. No blame attaches to Kelly's legal advisers for taking the point: it was their duty to take any point which could legitimately be taken, with a view to keeping him alive, but if the decision had gone in his favour there would have been curious and probably unfortunate consequences upon jury law. Parliament would in that event have been in a difficulty about legislating to put matters right; it would have looked queer to say expressly in a Bill that a conviction for felony should not bar a man from jury service. The result (that such a conviction is not a bar to jury service) arises, as the law was held to be by the Court of Criminal Appeal, by way of inference from s. 10 of the Juries Act, 1870, as afterwards slightly amended, a section which is framed as a proviso saying who shall be disqualified, not who shall not be. Since it does not in so many words include convicted felons among the disqualified persons, the law is now authoritatively settled, after eighty years, as being that they are not disqualified, counsel for Kelly having sought to read into the section a disqualification and then to argue that, inasmuch as one of the jury had been convicted of receiving stolen goods, the whole trial was invalid. Words which originally appeared in the section "nor any man who is under outlawry" having disappeared in consequence of the abolition of outlawry; they had long been obsolete, and were finally got rid of by s. 12 of the Administration of Justice (Miscellaneous Provisions) Act, 1938. Another of the phrases in s. 10 of the Act of 1870, that is, those convicted of any crime that is infamous, was held by the Court to refer only to sodomy and bestiality—this by inference from s. 46 of (strange to say) the Larceny Act, 1861 (not the Offences against the Person Act, 1861, as given erroneously by a not unnatural slip in *The Times* report. The Offences against the Person Act is content to call these crimes abominable: it does not call them infamous). The remaining question, therefore, was whether a man who had been convicted of felony but not attainted was disqualified by the section to serve upon a jury. Attaint is not the same as conviction, being a further step which, in old days, followed not from conviction but from judgment. Attainder was abolished by s. 1 of the Forfeiture Act, 1870, practically contemporaneous with the Juries Act, 1870. In *R.* v. *Kelly* the Court of Criminal Appeal dealt with the arguments on behalf of the appellant in two ways, by pointing out that the juryman's conviction was not the same as attainder nor was it conviction of an infamous crime, and secondly that, even if it had been a conviction of a disqualifying sort, the man's inclusion in the jury list was by s. 2 of the Juries Act, 1922, conclusive against any rule of absolute disqualification. The right of challenge remained unaffected, but so far as the Court could ascertain the cases where information had come to the knowledge of the accused person after conviction with regard to the qualification of a juror, and effect had been given to it by the Court and the trial had been treated as a nullity, had all been cases where there had been either impersonation of a juror or a mistake as to the identity of a juror. An example was *Rex* v. *Tremearne* (1826) 5 B. and C. 254. In *Rex* v. *Sutton* (1828) 8 B. and C. 417 the accused person only discovered after conviction that an unqualified alien had sat on the jury. Lord Tenterden said at p. 419: "I am not aware that a new trial has ever been granted on the ground that a juror was liable to be challenged if the party had an opportunity of making his challenge" . . . and the present court could see no difference between the case where disqualification arose from the juryman's being an alien and one in which it arose by reason of his being convicted. The ground of the decision in *Rex* v. *Sutton* (*supra*) was that there had been no doubt as to the identity of the person called and the prisoner had been given his challenges, and no case could be found, where, when there had been no doubt as to the identity of the person called, the verdict had been set aside. This second reason for the decision in *Kelly's* case would have been enough, by itself, to dispose of the appeal, without dealing with the Act of 1870, but it would have been unfortunate if the case had been dealt with on this formal and technical ground alone. It was all to the good that s. 10 of the Act of 1870 was argued out in full, for it would have been peculiar if a conviction for felony, even though purged by the serving of a sentence, had disqualified a man throughout his life for jury service. Felonies are, in truth, of very different calibres. Many who for historical reasons possess the status of felons are less dangerous to the public, and less deserving of permanent opprobrium, than persons committing offences which are no more than misdemeanours. Moreover, if the disqualification where it applies was absolute, there would be a strong temptation to prisoners and their advisers to conceal the fact, if they were aware of it, that a member of the jury had long ago been convicted, since in the event of the prisoner's own conviction there would be a sure ground for setting aside his conviction. Persons of refined taste will naturally dislike being convicted by felonious jurymen, but the decision in *Kelly's* case seems to agree with common sense.

AMALGAMATION OF POLICE FORCES
THE POLICE ACT, 1946

By W. D. GOCHER, *Deputy Town Clerk, Chester*

On January 13, an opinion was delivered by Lord Birnam in the Court of Session which dealt with s. 2 of the Police (Scotland) Act, 1946. As this section is in all material respects identical with s. 4 of the Police Act, 1946, Lord Birnam's opinion has considerable significance for English police authorities.

The matter the subject of the opinion came before the Court of Session by way of challenge of the procedure followed in relation to the proposed compulsory amalgamation of the police authorities of Ayrshire and the Burghs of Ayr and Kilmarnock. The public inquiry in this case had been conducted not on the lines followed at the Chester inquiry (where the case for the proposed amalgamation was opened by the Home Office and supported by witnesses who were subject to cross-examination) but on the lines of what is commonly known as a "New Towns" Inquiry. No evidence was led in support of the Home Department's proposals, no Home Department witnesses were called or available for cross-examination: the Commissioner described his function as being merely to "report to the Secretary of State on the objections" which had been made to the draft scheme. Protest at this procedure was made at the inquiry on behalf of the Burgh of Ayr, it being contended that evidence should first of all be adduced in support of the alleged expediency in the interests of efficiency of the proposed amalgamation. This protest was overruled, and under protest the Burgh of Ayr led evidence to show the present efficiency of the Burgh police force and the possible losses of efficiency which might result from amalgamation.

Subsequently the Commissioner's report was issued, and in it he stated his conclusion "that the Burgh of Ayr has not made out a case against amalgamation." Thereupon the Burgh of Ayr took the matter to the Court of Session for a declaration that the necessary statutory procedure had not been regularly carried out and that accordingly the Secretary of State could not competently proceed with the proposed scheme of amalgamation. The Court of Session accepted the contention, and granted the declaration sought.

In his opinion, Lord Birnam pointed out that whereas voluntary amalgamation could be effected under the Act on any ground of expediency, compulsory amalgamation could only be imposed where it was "expedient in the interests of efficiency"; and that the person appointed to hold the inquiry must not be, in the terms of the Act, "an officer of police or of any government department," but, to use Lord Birnam's own words, "must be a person who is not predisposed by his training and occupation to take what may be described without offence as 'the official view'."

Lord Birnam then distinguished the character and purpose of inquiries under the Police Act from inquiries of the type considered by Lord Hewart in the *Kingston By-pass Case* (*Re London—Portsmouth Trunk Road (Surrey) Compulsory Purchase Order (No. 2)*, 1938, [1939] 2 K.B. 515) and by the House of Lords in *Franklin* v. *Minister of Town and Country Planning* [1948] A.C. 87. Those inquiries, he observed, were departmental inquiries to enable the Minister to consider the weight and merits of objections to his proposals. Under the Police Act, however, the final decision where compulsory amalgamation was opposed was not the decision of a Minister but of Parliament, before whom the draft scheme together with the Commissioner's report must be laid and who can put an end to the whole matter by a negative resolution within forty days. Therefore, Lord Birnam said, to enable Parliament to arrive at its decision an informative report based on facts proved at the inquiry is essential.

There follows a passage of the opinion which requires quotation in full. After stating that the Court of Session is not entitled to act as a Court of Appeal against the conclusions of the Commissioner, and that he regarded himself as having no concern with the question whether the conclusion reached by the Commissioner was right or wrong, Lord Birnam proceeded: "Nor do I regard myself as having anything to do with what is described as the 'general policy' of the Secretary of State in the matter of the amalgamation of police forces. But equally I am of opinion that the Commissioner had nothing to do with such questions of policy and I cannot help thinking after a perusal of his report that he had allowed himself to be influenced by what he called 'general considerations' and 'the trend of police organization' and by the recommendations of the Ormidale Committee instead of confining himself to the local conditions which were the proper subject of inquiry. It seems to me that questions of general policy are for the legislature. If the policy of the legislature had been that no Burgh whose resident population does not exceed a certain figure should have a police force of its own nothing would have been easier than to pass an Act of Parliament to that effect. That such was not the policy of Parliament seems to me to be clear from the terms of s. 2 of the 1946 Act, which I have already examined. On the contrary, careful provision has been made to ensure that the police authority of a Burgh such as Ayr shall not be taken away without good and sufficient reason. If the purpose and effect of a public inquiry under the present Act is merely to produce an echo of the general policy (be it right or wrong) of the Secretary of State and a reference to a departmental committee's recommendations to which Parliament has, so far, declined to give effect, it seems to me that the inquiry is completely futile and is a sheer waste of time and of public money."

This is the first expression of judicial views upon those questions which were posed in the notes on the subject of compulsory amalgamation which appeared in Miscellaneous Information in the *Justice of the Peace and Local Government Review*, dated March 19, 1949. A decision of the Court of Session is not, of course, binding upon English Courts, but none the less the opinion of a judge of that Court is entitled to great respect. It appears, therefore, that "the overriding consideration that, subject to some maximum size of force, co-operation, however good, cannot be as effective as unified control" which carried such weight with the Commissioner who conducted the Chester inquiry may fall when confronted with Lord Birnam's dicta.

Mutatis mutandis, careful provision has been made to secure that the police authority of a county borough shall not be taken away without good and sufficient reason. The good and sufficient reason must not only be made public by the Secretary of State; it must be subjected to critical public examination, and above all, it is submitted, it must be particular to the police authorities affected, and not founded merely on "general considerations" or "trends of police organization."

SHOULD REGISTRATION FEES AND LICENSING DUTIES BE INCREASED?

Fees and duties receivable by local authorities are of different classes, some being contributions towards the cost of a service rendered to the payer, while others are levied purely as instruments of local taxation. It is noticeable in both classes that a great many charges have been in operation for very long periods without any revision. The payment of 7*s.* 6*d.* for a dog licence, for example, was fixed in 1867, while the fees payable for registration of births, deaths or marriages were fixed even earlier. In view of the tremendous falls in the value of money which have occurred in this present century, it might well be questioned whether a general review, and possible revision, of charges should not be made.

In considering the matter a distinction can be drawn between the classes referred to earlier. If we consider first the variety of licences issued and duties payable, we are struck immediately by the fact that, notwithstanding the additional licences (for moneylenders, pawnbrokers, refreshment house keepers, etc.) the responsibility for issuing which was added to the duties of local authorities by the Finance Act, 1949, the dog owner provides most of the money which local authorities collect. The following figures, taken from the accounts and estimates of a county council, illustrate this point :—

	Twelve monthly period. Licences issued.	Duty collected.
		£
Dogs	48,377	18,141
Guns	2,630	1,315
Game	96	265
Finance Act, 1949	510	660

It is very doubtful whether an increase in these licence duties would be justifiable. If, for example, the dog owner paid twice as much as at present the general body of ratepayers and taxpayers would pay rather less. Even after making full allowance for the unsatisfactory method of assessing rate liability, we are bound to conclude that both rates and taxes accord more nearly with the classic canons of taxation, particularly that one which insists on equality of sacrifice, than do dog licences. Any transfer of liability, therefore, would be a retrograde step. The same may be said for other licence duties : additionally in these cases the financial effect of any alteration on public funds would be negligible.

When we review fees paid for services rendered other considerations must be taken into account. An examination of one of the most important fee receiving services—that dealing with the registration of births, deaths and marriages—may make a number of these points clear.

Until April 1, 1930, Registrars and Superintendent Registrars were appointed by the Boards of Guardians and were remunerated solely by the fees which they received. Certain fees were payable to Registrars of Births and Deaths by the Boards of Guardians each quarter according to the number of registrations made during the quarter. Apart from this no part of the cost of registration fell upon the local authority (that is, the Poor Rate), the Registrars (and Superintendent Registrars) providing their own office accommodation and paying any other expenses, such as travelling and incidentals, out of their income from fees.

The scale of fees had been fixed largely by the Registration of Births and Deaths Act, 1836, the Marriage Act, 1836, and other statutes passed about the middle of the nineteenth century. Permanent increases in the cost of living, coupled with the failure to revise the scale of fees, gave rise to financial hardship for Registrars in a considerable number of cases and a general feeling of dissatisfaction in the service. As a result a Private Member's Bill to make these posts salaried was passed by the House of Commons in 1928, but was not proceeded with further owing to the advent of the Local Government Act, 1929.

From April 1, 1930, the registration duties of Boards of Guardians were transferred to councils of counties and county boroughs, future appointments of Registrars and Superintendent Registrars were to be salaried appointments, and existing officers were offered the option of a salaried appointment or of remaining on their present basis of remuneration by fees. The salaries and conditions of service were to be determined by the responsible local authority, subject to the approval of the Registrar General.

As was stated in the explanatory memorandum on the provisions of the Local Government Bill (1928), it was appreciated that as a result of making these posts salaried offices, the payments made to registration officers might be greater than the amount of fees received by them and that unless there were an increase in the receipts from fees the deficit would fall entirely upon the rates. It was also stated that it would be reasonable to increase the scale of fees and that this would not involve any hardship to the public. Accordingly, s. 23 of the Act gave the Minister of Health power by Order to increase any of the fees fixed by the Registration Acts to an extent not exceeding fifty *per cent.* and further provided that in the case of a non-salaried officer, the amount of such increase in his fees (less an allowance for collection) should be paid over to the local authority. This power has not been exercised by the Minister of Health. Any deficit arising has consequently fallen upon the local rates. In one county, for example, it has risen from £1,800 in the year 1930-31 to an estimated figure of £13,500 for 1950-51. An examination of a number of local authority accounts makes it clear that these figures are typical of many other authorities.

Although county councils and county boroughs, as the successors of the Boards of Guardians, have power to appoint Superintendent Registrars and Registrars (other than Registrars of Marriages) such officers hold their office during the pleasure of the Registrar General. Their salaries and conditions of service are subject to the approval of the Registrar General and he has a very wide power to make regulations (with the approval of a Principal Secretary of State) governing the duties and conduct of Superintendent Registrars, Registrars, Deputy Registrars and Clerks of local authorities as supervisors of the registration service. The service, moreover, must be administered in accordance with a detailed scheme of administration, submitted under s. 24 of the Local Government Act, 1929, and approved by the Minister of Health, and can only be amended by an amending scheme, approved by the Minister, under s. 131 of the 1929 Act. Detailed regulations have been issued by the Registrar General relating to the conduct of Registrars and Superintendent Registrars and the Registration Regulations, 1930 (S.R. & O. 1930, No. 39) contained detailed provisions as to the manner in which registration officers shall account to the Registrar General for fees received, the records which they shall keep and the manner in which these accounts shall be verified. These regulations clearly take the view that registration officers must account to the Registrar General and not to the appropriate local authority and in a circular dated June 5, 1937, the Registrar General says "there is no necessity or

indeed power on the part of councils to take any steps in regard to auditing or checking the registration officers' accounts. Moreover, the registers are not open to inspection by councils' officers." Although registration officers are, therefore, officers of the local authority, the local authority has no real control over them, either as to rate of salary, service conditions, administrative details and conduct of the service or financial control over their accounts. The employment of the registration officers, moreover, cannot be terminated without the approval of the Registrar General. It could well be argued that such detailed control by the Registrar General and the Minister of Health should not be exercised in a service which involves a financial burden upon the local ratepayers.

Moreover, the policy of the Registrar General in recent years seems to be tending towards a reduction in fees income. Amendments made by recent legislation have almost wholly been to provide for a reduction of fee in certain circumstances. It is particularly to be noted that legislation subsequent to the 1929 Act is responsible for sixteen sets of circumstances qualifying for a reduction in fees and that the Births and Deaths Registration Act, 1947, provides that any person may now obtain a "shortened form" of birth certificate upon payment of a fee of sixpence. This certificate is acceptable in place of the usual 2*s.* 6*d.* certificate for practically all purposes and its use is being publicly advertised and encouraged by the Registrar General. It seems logical to conclude that future experience will be of considerably increased costs accompanied by a reduction in income from fees.

The position is, therefore, that—

(*a*) The annual deficiency has shown a tendency to increase since April 1, 1930;

(*b*) This was not the result desired at the time of the passing of the 1929 Act;

(*c*) The special remedy provided by the 1929 Act has not been used;

(*d*) The annual deficiency for the current and subsequent years is likely to be very much greater than previously;

(*e*) Deficiencies fall upon local rates but control of the service is not in the hands of local authorities.

If the deficiency were to be met wholly by an increase in fees, it is probable that when the cost of the new scale of salaries is brought into account the increase would need to be of the order of 100 *per cent.* In view of the fact that, generally speaking, the present scale of fees was considered appropriate over 100 years ago it could not be suggested that a substantial increase would be unreasonable or would involve any serious hardship.

This does however raise the whole question of financial responsibility for the cost of the service. Originally the persons for whom the service was provided paid for it, but as costs of administration increased and income diminished, more and more of the expense was diverted to the shoulders of the local or national taxpayer. At the present time fees meet little more than forty *per cent.* of the cost. Should this hybrid system continue? There seems little reason for it, apart from the innate conservatism of the British race on matters of this sort. If times and views have changed over the past twenty years and it is now thought desirable to provide the service at public expense, why not abolish fees entirely? If this were done a further point would arise. Should not the central government, which exercises such meticulous control over the service, pay for it?

EXEUNT LOCAL GOVERNMENT

[Contributed]

For at least one hundred years critics of public policy and administration have been able to give some vent to their feelings by writing to the "Editor." They still do and the most persistent theme today seems to be controls. But as government essentially involves control this is, of course, not surprising. Nor is a share of criticism of local government surprising, for local government must bear its share of controlling. If perhaps some correspondents are trying to grind a political axe, others ventilate grievances which are political only in the broadest sense and not in the party sense. In this broader class was the letter which appeared in a recent Sunday newspaper.

The correspondent wrote about "a small garage" which he had decided to have built. His letter stated that he had approached a local builder and "thought it would be simple." He stated that an official of the rural district council had come, followed a few days later by "a superior, I gathered, of the first." Next, "a town and country planning representative arrived, and shortly after two officials from the county council, altogether five officials on four different occasions, using presumably official cars." He went on to say that after answering numerous questions he was required to submit an architect's plan, a plan of the site, both in triplicate—"there were also forms to fill up." He went on to record the builders inability to get a timber licence, his decision to buy a nearby second-hand wooden garage and his discovery of a need for a licence to move it, and his ultimate decision to give up his project "until happier days," remarking generously about the officials concerned "who were honestly doing their duty," and with a final reference to the cost of such administration.

Probably the great majority of his readers sided with him, including very likely, if they were amongst the readers, the officials directly concerned, and members of the local authorities involved. Perhaps some will have sighed for "the good old days," when the "local surveyor" might have done the job alone. (Others might have thought that if the correspondent had decided to erect his small garage without any applications for permits he would have contrived to get materials and gone punishment free, provided he kept within the building byelaws and had a tidy building.) The correspondent probably considered that the remedy needed was more fundamental than a matter of administration, but these are days when local government is jealous about its functions, and the particular administration attempts to combine central political responsibility with locally elected representation.

Two matters particularly, namely the relation of building byelaws to planning, and the administrative arrangements between county council and district council will serve to illustrate the argument. The need for understanding the place of the byelaws is very clearly seen when the planning consideration comes under the head of amenity, that vague but important ingredient in present day planning. In regard to amenity each case is taken on its own merits by one administrative tribunal, the local planning authority, subject to appeal to another, the ultimate, the Minister of Town and Country Planning. This Minister is invariably careful in his decisions to separate the planning aspect (which is his concern) from the byelaw aspect (which is not). And yet the separation is hardly practicable, *e.g.*, where space about buildings is in point. Section 63 of the

Public Health Act, 1925, provides that where a local authority consider that the operation of any building byelaw in force would be unreasonable in any particular case they may with the consent of the Minister of Health relax the requirements of the byelaw or dispense with its compliance. Notice is to be given of any such application to the Minister in the way the Minister may direct, presumably so that any person who objects may send his objections to the Minister, who will take them into account. The section contains no specific reference to a local inquiry.

In principle, byelaws and planning appear to be distinct. In practice they are often not, for amenity can hardly exclude public health. In appropriate cases, s. 63 can, no doubt, be used for bringing the requirements of the byelaws in line with amenity. If it be not used, presumably the local authority does not agree that the requirements of the byelaws should be relaxed, but justices who might get before them proceedings by the authority for non-compliance with the byelaws might feel in a difficult position. With the work covered by planning permission (perhaps after appeal to the Minister of Town and Country Planning), they might feel as resentful of someone as the writer of the letter.

Obviously the position is unsatisfactory. Possibly new byelaws might cure the case, but more likely is the remedy to be found in abolishing the byelaw requirements and letting the whole matter be dealt with as planning; the public health aspect which the particular byelaws aim at, to be considered with all the other aspects. This could avoid the need for any building byelaws at all. Instead a code for the guidance of local planning authorities might appear. The county district councils would probably oppose such a change as taking away from them yet another function.

The second question also concerns the relationship between the county council as the planning authority and the county district councils. Section 34 of the Town and Country Planning Act, 1947, by virtue of regulations thereunder, authorizes the delegation of planning functions by the county council to county district councils. The regulations might require delegation, but those made so far only authorize, and some county councils have so acted, and given county district councils powers so hedged about with administrative restriction, that the recipients wonder what they are given to do. What appears, apparently, to be a safeguard to the county council is regarded by the district councils as frustration. A major difficulty from the county council's point of view comes from their responsibility for the development plan. They are properly concerned in case a district council may, by a decision under delegated authority, prejudice the plan. So, the members of the public are apt to find the county planning officials on their doorsteps as well as the local officials.

The delegation agreements usually provide for forms of application for permission, etc., to be issued from the office of the district council and also for the permission to be issued therefrom over the signature of the clerk or other officer of the district council "acting for the county council" or one of its officers. The applications, as they are received in the offices of the district council, are forwarded to the county planning officer and so long as he and the district council officers agree all is well. In case of disagreement (between the respective authorities) the application stands referred to the county planning committee (or to a sub-committee of it) and then trouble can start.

The county planning committee is no exception to most local government committees. It has plenty to do, and, under the present law hundreds of applications a week are likely to come before it, if only nominally. The committee has only a limited amount of time for individual cases, especially when they "come back again" in the shape of an appeal. And the luckless applicant, caught up in the difference of opinion, may well wonder if s. 17 (3) of the Act is all he needs. If an application for planning permission is not decided one way or the other within two months (or such longer time as may be agreed), it is by that section and the order made under it in the great majority of cases deemed to be refused, and the applicant can appeal to the Minister. If the work involved be "a small garage," the thoughts of the applicant can be imagined. If he subsequently be caught up over a building byelaw his share in the benefits of democracy may appear rather onerous.

The two examples of building byelaws and planning serve the argument, but even if the difficulty of the district council having full responsibility in regard to building byelaws with, at the most, only a limited function by way of delegation in planning were got over, separation of function would remain. Take, for example, several sections from the Public Health Act, 1936, say, s. 25 (prohibition of building over public sewer), s. 37 (new buildings to be drained), s. 54 (prohibition of building over certain kinds of filled up ground), and s. 55 (means of access for the removal of refuse, etc.). These might with other controls conveniently for applicants go with the planning function, but a major alteration of the law would be required. A code of conduct is a questionable alternative to specific requirement. Section 53 of the Public Health Act, 1936, controlling the construction of buildings with short lived materials has already become an alternative to a planning consent limited in time. The control formerly under the Restriction of Ribbon Development Act, 1935, is now a mere incident in planning. And so on.

Of course, some of the functions might come back to the county district council through delegation. Then not only in planning would the district council's officials be made into contact men. In delegation of any function the same danger is present, but in few has it yet reached the same degree as in planning. And not only are there officials to think about. With the local representatives, fogging and confusing duplication leads to feelings of frustration and quarrels within the camp. The problem is deeper than the inquiry now being undertaken by the Manpower Committee, useful though that must necessarily be in its limited field. The committee is limited by the existing law.

A county council has already appeared to some to be becoming a model towards regional government, and the remoteness of control is often criticized in favour of one or other of the other kinds of local authorities. But perhaps the notion of local representation has become out of date, and a regionally elected body with some officials at the centre and others in conveniently situated "local" offices is the evolutionary development of local government. To the enthusiastic (and excellent) local councillor, this will not sound good. Let him ponder upon the result of the attempt to save something for the district council out of the transfer of planning to the county council.

That the troubles of the writer of the letter cannot be wholly ascribed to local government can be admitted. The forms, the two kinds of plans, all in triplicate, are not altogether local government's idea, and most local government officials do not like to ask applicants to face the ordeal for "small garages." The writer recollects a moment of mistaken generosity when for the sake of public relations he attempted to help with the filling up of a form for the opening of a shop for selling fried fish, or something similar. Local representatives cannot be other than aware of the position and bury heads in the sand

almost to the point of suffocation. Especially should officials not have to cultivate a personality to smooth over shortcomings in administration, such as those concerned in the complaint of the writer of the letter. But however much local government should not have been called upon to make all the visits, etc., the fact remains that the applicant's contact was with local government.

Local government has suffered great disturbance by transfer of services, with a result that seems to be bringing local government into disrepute. Exclusion of blame on the individuals directly concerned with any matter, inferentially blames local government. No good is it for local government to plead that, controlled itself as it is in great measure by statutory instrument and even by central directive, it acts more as the agent of the central government. The local authority may be more the victim of circumstances than directly to blame but, unless complainants are met in some way, the burden of their complaint may be answered, albeit not to their advantage, by "*exeunt* local government."

"EPHESUS"

WEEKLY NOTES OF CASES

KING'S BENCH DIVISION

(Before Lord Goddard, C.J., Morris and Finnemore, JJ.)

WEST MERSEA U.D.C. v. FRASER

April 18, 1950

Water—Supply for domestic purposes—Default in furnishing—"Premises"—Houseboat—Element of permanency in site—Water Act, 1945 (8 and 9 Geo. 6, c. 42), sch. III, part VII, s. 30 (1).

CASE STATED by Essex justices.

At a court of summary jurisdiction an information was preferred by the respondent, Florence Fraser, alleging that the appellants, West Mersea U.D.C., had been guilty of an offence under the Water Act 1945, in making default, on and from September 2, 1949, in furnishing a supply of water for domestic purposes to certain premises, namely, a houseboat called the Sea Horse, the property of the respondent.

The appellants were the water undertakers for the district in which the houseboat was situated. The respondent had complied with the provisions of the Water Act, 1945, sch. III, part X, with respect to the laying of a supply pipe and tender of the water rate. She had duly demanded a supply of water to the houseboat and the appellants had refused to comply with the demand. The houseboat at all material times had lain in a mud berth at Coast Road, West Mersea. The respondent paid to a Mr. S. Wyatt the yearly sum of £20 for permission to keep the houseboat berthed on saltings belonging to him. The houseboat normally floated at high tide and had in a recent gale moved some 20 yards inland up the creek in which it lay. The arrangement between the respondent and Mr. Wyatt merely permitted the houseboat to remain on the mud without prescribing any precise site for it. The site in question had been assessed for the purposes of general rate. The houseboat had been rated as premises for the payment of water rate from 1944 to February, 1949, and water rate had been demanded by the appellants and had been paid to them during that period.

It was contended for the appellants that the houseboat did not constitute "premises" for the purposes of s. 30 (1) of part VII of sch. III to the Water Act, 1945. For the respondent the contrary was contended. The justices upheld the contention of the respondent, and fined the appellants £1, together with 10 guineas costs. The appellants appealed.

By s. 30 (1) of part VII of sch. III to the Water Act, 1945:—An owner or occupier of any premises within the limits of supply who has complied in respect of those premises with the provisions of part X of this schedule with respect to the laying of a supply pipe and payment or tender of the water rate shall be entitled to demand and receive from the undertaker a supply of water sufficient for domestic purposes for those premises.

By s. 59 of the Act "premises" include land, and "land" includes "any interest in land and any easement or right in, to, or over land."

Held, that the justices were entitled to find that the houseboat constituted "premises" within the meaning of s. 30 (1), there being a sufficient element of permanency in the site which it occupied. The appeal must, therefore, be dismissed.

Counsel: *Hines* for the appellants; *H. G. Garland* for the respondent.

Solicitors: *Adam Burn & Son*, for *John Fowler, Oldman & Co.*, Colchester; *Bishop & Cooke*.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

(Before Lord Goddard, C.J., Humphreys and Jones, JJ.)

McGILLIVRAY v. STEPHENSON

March 30, 1950

Public Health—Statutory nuisance—Abatement notice—Nuisance order—Justices not required to order exact compliance with requirements of abatement notice—Duty of justices to lay down steps needed for abatement—Public Health Act, 1936 (26 Geo. 5 and 1 Edw. 8, c. 49), ss. 92 (1), 93, 94 (2).

CASE STATED by South Shields justices.

At a court of summary jurisdiction at South Shields an information was preferred by the appellant, James McGillivray, the clerk to the Boldon Urban District Council, against the respondent, James Stephenson, alleging that on July 14, 1949, a notice under s. 93 of the Public Health Act, 1936, was served upon the respondent as the person by whose act, default, or sufferance the nuisance arose, requiring him to abate a nuisance, namely, foul smells caused by the improper keeping of pigs, and for that purpose to remove the whole of the pigs from the premises, clean up the effect of their past presence, and cease for the future to allow the premises to be used for pig keeping at all, and that the respondent had made default in complying with the requirements of the said notice, and calling on the respondent to show cause why an order should not be made requiring him to comply with the requirements of the said notice or otherwise to abate the said nuisance, and to execute any works necessary for the purpose and prohibiting a recurrence of the said nuisance.

The respondent was the occupier of a large mansion and grounds. On part of the premises he had collected 264 pigs. Neighbours complained of the stench arising therefrom in dry weather, and a sanitary inspector visited the premises. The notice hereinbefore referred to was then served on the respondent.

The justices were of opinion that the appellant had established a *prima facie* case that a statutory nuisance existed and that there was a case for the respondent to answer, but that the abatement notice was bad on the grounds that: (*a*) it required the respondent to abate the nuisance in a specific manner, namely, by discontinuing the use of the premises for a piggery, and gave him no alternative, so that, if he abated the nuisance by any other means, he might still be said not to have complied with the abatement notice; (*b*) the summons issued was in the terms of the abatement notice and required the justices to prohibit the premises from being used as a piggery, and, under s. 93 of the Act, the justices had no power to make such a prohibition, and the remedy sought by the appellant should have been taken under s. 100 of the Act. They, accordingly, dismissed the information. The prosecutor appealed.

Held, that the justices were wrong in holding that, if they found a nuisance to exist, they must follow the words of the abatement notice and order the respondent to do exactly what the notice required him to do, and that the case must be remitted to them with an intimation that, in the opinion of the court, the notice was good, and that it was for the justices to lay down any particular steps which, in their view, were needed for the abatement of the nuisance. The appeal must, therefore, be allowed.

Counsel: *Simey, K.C., and Norman Harper* for the appellant: *Ashe Lincoln, K.C., and Hurwitz* for the respondent.

Solicitors: *Gregory, Rowcliffe and Co.*, for *Patterson, Glenton and Straces*, South Shields; *Torr and Co.*, for *Huntly, Foster, Bretherton and Dutchburn*, Sunderland.

(Reported by T. R. Fitzwalter-Butler, Esq., Barrister-at-Law.)

NEW COMMISSIONS

SMETHWICK BOROUGH

Douglas James Ault, 25, Little Moor Hill, Smethwick.
Peter Charles Cresswell, 12, Hintlesham Avenue, Birmingham, 15.
Arthur Leslie Haley, 23, Carter's Lane, Quinton, Birmingham, 32.
Mrs. Maude Marjory Pickering, 31, Barclay Road, Warley Woods, Smethwick, 41.
Hugh Golding Pinner, Central Chambers, Bearwood Road, Smethwick, 41.
Mrs. Esther Seager, 77, Waterloo Road, Smethwick.
Alfred Stimpson, 57, Bertram Road, Smethwick.

CORRESPONDENCE

[The Editor of the *Justice of the Peace and Local Government Review* invites correspondence on any subject dealt with in its columns, for example, magisterial matters, probation, local government, etc.]

The Editor,
Justice of the Peace and
Local Government Review

DEAR SIR,

POLICE MANPOWER AND MAGISTERIAL PRACTICE

While I in no way advocate police in traffic offences giving a "ticket" on the spot to the offender as appears to be the case in some countries, I feel that in many minor traffic and other cases time of the police and others is often wasted by our present procedure.

I suggest that as police "incident reports" containing the proposed evidence on which the summons is based are now invariably typed an additional copy should be made in appropriate cases, *i.e.*, where the prosecutor anticipates a plea of guilty and the offence is very unlikely to involve a penalty of imprisonment.

A printed notice also should be attached to the effect that this was the proposed evidence, and if the defendant admitted his guilt and filled in the form at the bottom and sent it to the clerk at least three days before the hearing his attendance would be excused, and if he admitted the offence but wished to give an explanation or disagree with any part of the report he could write a letter and that this report and the letter would then be accepted as written evidence by the bench who would adjudicate thereon.

I see no reason why persons attending who could have availed themselves of this procedure should not be made to pay say 5*s.* costs of police witness.

Sometimes, also technically, an offence carries a maximum penalty of more than three months' imprisonment whereas in fact a £1 fine is the most that would be awarded.

In these cases a further slip should be attached informing the defendant of his right to be tried by a jury and saying if he did not turn up he would be assumed to have consented to summary trial.

The other day at my court six policemen were in attendance and therefore off their beats for half a day, who could have been dispensed with under this procedure.

Similarly, loss of time by civilian witnesses and the defendant who just turns up to plead guilty and has nothing to say could also be saved.

Whether this can be effected by rules or whether it needs legislation is not my province to say.

It will be interesting to know if the experience above mentioned is common and if some such proposal as is outlined above would be welcomed.

Yours faithfully,
A. J. L. FERGUSON.

Justices' Clerk's Office,
High Street,
Amersham, Bucks.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

ONE WAY TRAFFIC—PUSHING A PEDAL CYCLE IN THE WRONG DIRECTION

I was interested to see the line you took in this case in P.P. 6 at p. 160 *ante*. Some two or three years ago I was crossing a one-way street and looked to see if anything was coming, but a girl pushing a cycle the wrong way of the traffic pushed into me, and sent me sprawling into the middle of the road, unfortunately on to the bridge of my nose. I was picked up and taken to a nearby shop and received attention till a car came to fetch me. Probably a younger man would have stumbled and recovered, but being nearer ninety than eighty I find I am bowled over more easily than I was even fifteen years ago. Now I am careful to look *both* ways!

Yours faithfully,
R. SANDFORD.

2, College Hill,
Shrewsbury.

My uncle was admitted in 1835 I think, and I joined him in 1889. He died in 1900, and I think you will find we have taken the J.P. from its commencement. I ought really to be on the free list!—R.S.

[We are obliged to our correspondent. We would be very interested to learn how many other subscribers' firms can trace having taken this journal from its foundation.—*Ed. J.P. and L.G.R.*]

REVIEWS

Employer's Liability at Common Law. By John H. Munkman. London: Butterworth & Co. (Publishers) Ltd. Price 21*s.* net.

The scope of this work might be misunderstood from its title. In truth, it goes a good deal further than common law liability, dealing as it does to a great extent with statute law. The distinction which we think the learned author has in mind is between the Employers Liability Acts (so called) and the Workmens Compensation Acts on the one hand, and the common law, strengthened and expanded by the Factory Acts, the Coal Mines Acts, and other enactments of that type, upon the other hand. There is a certain tendency for workpeople and trade union officials, and even for employers, to concentrate attention on the Workmens Compensation Acts (now gradually being superseded, except in relation to causes of claim arising before the middle of 1948), forgetting that those Acts, and even the Employers Liability Acts which preceded them, do not cover the whole ground and, in particular, do not deprive the servant of recourse against his master in respect of actionable wrongs where such a course would have been open to a stranger. The misguided logic of the doctrines of common employment and *volenti non fit injuria* did, as lawyers know, go far for many years to put the servant in a worse position than a stranger, but these doctrines were after all (in strict logic) no more than an excrescence or encroachment upon a fundamental principle. That fundamental principle, on the other hand, has found extensions in the decisions allowing a person (not exclusively a party to a contract of employment) to bring an action of tort for breaches of statutory duty. Whilst it cannot be said that the right of bringing such actions has yet been put, by decision or by statute, on a wholly satisfactory basis, it has at any rate been of much advantage to workpeople and others, who have suffered from breaches of the special law relating to factories, and mines, and some analogous topics. The learned author justly points out in his preface that, for fuller treatment of these last mentioned Acts, the reader should look to a specialized work such as *Redgrave*, but his own treatment of them is full and very helpful—even though it is, in one sense, a side issue by comparison with the rules and principles derived from the common law. The chapters relating to common law, in the usual sense of the term, seem to us extremely well devised, and certain to be helpful upon problems of the sort which we get from time to time in our Practical Points column. The law of employer's liability is treated first in its historical aspect, leading up to and then down again from the full rigour of "common employment." Then comes the employer's common law responsibility for the general safety of the work, with an indication of the extent to which he can escape liability by delegating his responsibilities to an appropriate agent. Then comes breach of statutory duty, of which we have already spoken, covering several chapters with detailed headings in regard to a number of practical matters likely to occur. These chapters in their turn are followed by contributory negligence, the voluntary assumption of risk, the liability of the Crown, and damages for personal injuries. Some of this matter does not belong specifically to the law of master and servant, so much as to the general law of tort, but we agree with the learned author that members of the legal profession, and still more the officials of insurance companies and trade unions, will find it helpful to be reminded of the more general rules in their bearing on this special context. The law of master and servant has been so greatly complicated, by statute and by delegated legislation under statutory authority, that we hesitate to assume that any work of small size can be complete. We have, however, tested Mr. Munkman's book by reference to a number of Practical Points we have answered in the last few years, and questions which we have noticed in the law reports, and we feel confident that nothing of importance which ought to be here has been omitted. We regard the book as successfully breaking fresh ground, upon a topic which is familiar, but still of daily and undiminished importance to the larger number of the British public.

A Referencer to Planning Law and Practice. By H. Crossley and R. N. Hutchins. London: Sweet & Maxwell, Ltd. Price 3*s.* 6*d.*

This is a tabular statement, printed lengthwise of the page, and covering twenty-two small pages. The "subjects," distinguished by serial numbers, are those of different sections of the Town and Country Planning Act, 1947. Against each subject is given a reference to a section or sections of that Act, followed by columns for statutory instruments, circulars, articles in the legal and technical press, and finally "remarks." The table is designed to present a picture as on February 1, 1950, of the administrative material which has to be considered for purposes of the Act of 1947. For those who are specifically and professionally concerned with town and country planning, or others who have access to complete sets in libraries or elsewhere of the journals which print articles upon that subject, the referencer will be particularly valuable. In the column for sections, subsections

are also noticed where these have to be separately considered, and in the "remarks" column such subsections are given numbered references, as are the newspaper articles dealing with divisions of a topic. The whole table is remarkably compressed, and remarkably complete; students of the subject who wish to keep their references to circulars, newspapers and so forth, up to date will, for some time to come, be able by manuscript additions to the table to assure themselves of finding what they want without loss of time.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, April 18

Medical Bill, read 2a.

Colonial and Other Territories (Divorce Jurisdiction) Bill, read 2a.

Post Office and Telegraph (Money) Bill, read 2a.

High Court and County Court Judges Bill, read 2a.

Wednesday, April 19

Army and Air Force (Annual) Bill, read 2a.

Thursday, April 20

Diplomatic Privileges (Extension) Bill, read 2a.

Post Office and Telegraph (Money) Bill, read 3a.

HOUSE OF COMMONS

Wednesday, April 19

Highways (Provision of Cattle-Grids) Bill, read 1a.

PERSONALIA

APPOINTMENTS

Mr. K. H. Charlton, LL.B., town clerk of Todmorden since 1944, has been appointed town clerk of the borough of Goole. Mr. Charlton, who is thirty-seven years of age, was admitted in 1934 and entered the local government service in 1936.

Mr. John Richard Barnes, assistant solicitor in the town clerk's department, Clitheroe, has been appointed deputy town clerk to the borough of Eastwood. Mr. Barnes, who is thirty-five years of age, was articled to the town clerk of Clitheroe. He is registrar of births, marriages and deaths at Clitheroe, and is president of the local branch of N.A.L.G.O. During the war he served in the Royal Air Force.

Mr. C. William Skinner, chairman of the bench of magistrates for the division of Edmonton, has been appointed by the Minister of Health a member of the National Health Service Executive Council for Middlesex. Mr. Skinner is also chairman of the Tribunal, Holborn and Westminster Rent Tribunal.

OBITUARY

Sir Frederick Liddell, K.C.B., K.C., died recently at Caesar's Camp, Sandy, Bedfordshire. Born in 1865, he was called to the Bar by Lincoln's Inn in 1894 and took silk in 1929. In 1917 he was promoted first Parliamentary counsel, which position he held until 1928, and from 1928 to 1945 he was counsel to the Speaker. In 1944 he was nominated to be an Ecclesiastical Commissioner. He was made a C.B. in 1911 and K.C.B. in 1916.

Mr. J. P. Elsden, Recorder of Birkenhead since 1943, died in a London nursing home recently. He was called to the Bar in 1909 and in 1920 was appointed stipendiary magistrate, St. Lucia, B.W.I. The following year he was called to the Trinidad and Tobago Bar. He practised on the Chester and North Wales Circuit, and was chairman of the Chester and District Employment Committee and chairman of the Assistance Board Appeals Tribunal.

Sir Archibald Hordern, chief constable of Lancashire since 1935, died recently. Born in 1889, he was educated at Cheltenham and the Royal Military College, Sandhurst. In 1913 he was put in charge of the Nigerian police. In 1923 he joined the Shropshire county constabulary and in 1926 became chief constable of the East Riding of Yorkshire. In 1934 he was appointed chief constable of Cheshire. He was knighted in 1946.

THE WEEK IN PARLIAMENT

By Our Parliamentary Correspondent

While the week in the Commons has been devoted to the Budget and the consequent debates, the Lords have been dealing with legislation, giving a second reading to the High Court and County Court Judges Bill and passing the Maintenance Orders Bill through its committee stage.

At question time, Viscount Templewood asked the Government what sections of the Criminal Justice Act, 1948, had been brought into operation, and what were the dates for bringing into operation the remaining sections, and what new institutions—for instance, prisons for corrective training and preventive detention, detention centres and attendance centres—had been started and where they were situated.

The Lord Chancellor replied that all the provisions of the Criminal Justice Act, 1948, except one, were now in force. The provision which had not been brought into force was the repeal, in part I of sch. 10, of certain portions of s. 12 (5) of the Criminal Justice Act, 1925; that repeal was inconsistent with the amendment made in the same subsection by sch. 9.

Sentences of corrective training might be served either in regional training prisons or in prisons or parts of prisons set aside for corrective training. The following prisons or parts of prisons had been set aside and were or would shortly be in use for corrective training: Chelmsford Prison (the whole); Liverpool Prison (two wings); Wormwood Scrubs Prison (two wings); Durham Prison (one wing); Holloway Prison (women) (one wing); and, in addition, Reading Prison had been set aside as an allocation centre for men sentenced to corrective training.

It was provided by the Prison Rules that sentences of preventive detention were to be served in three stages, of which the first was passed in a local prison. All the prisoners sentenced to preventive detention since the provisions of the Criminal Justice Act relating to preventive detention came into force, were still in that first stage at their local prisons. It was proposed to accommodate the second stage men in a portion of Parkhurst Prison which was being prepared for the purpose, and the second stage women in a portion of Holloway. No remand centres, detention centres or attendance centres had yet been set up, but plans had been made with the co-operation of the local justices, police and local authorities for three attendance centres to be set up at Peel House, London, at Smethwick and at Hull. The necessary rules for the conduct of those centres would come into force shortly and it was hoped that the three centres would be opened during June.

DISCIPLINE OF PRISONERS

In the Commons, Mr. R. W. Sorensen (Leyton) asked the Secretary of State for the Home Department to what extent a modification was proposed in respect of experiments in the discipline of prisoners and the external physical form of their imprisonment.

The Secretary of State for the Home Department, Mr. Chuter Ede, replied that the question of modifications in prison discipline would be considered in the light of the recommendations of the Departmental Committee on Offences and Punishments in Prisons and Borstals, which was expected to report fairly soon. The success of the experiment where prisoners served their sentences under open conditions, had been amply shown, and no significant modification of it was contemplated. Its extension was limited only by the numbers of prisoners appearing to be suitable for treatment along those lines.

LEGAL AID ACT

Mr. Baker White (Canterbury) asked the Attorney-General on what date the Legal Aid Act would come into force; and whether he would issue full instructions as to the procedure to be followed by persons wishing to sue the Crown under the Act.

The Attorney-General replied that it was hoped to bring into force on October 1 that part of the Legal Aid and Advice Act which had not been deferred and, before that date, to provide the public with full information as to how to apply for legal assistance in the classes of litigation which the provisions of the Act would then cover. A person wishing to sue the Crown would apply for legal assistance in exactly the same way as a person wishing to take or defend or be a party to any other proceedings.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Club—*Whether new registration necessary on change of proprietor.*

The X club is registered with me under the provisions of the Licensing Act, 1910, as a proprietary club, the proprietor being Mr. A. Provision is made in the rules for the formation of a wine committee. I have now been asked to amend the register to show Mr. B as proprietor, Mr. A having sold his interest to him.

In the event of a proprietary club changing ownership, is a new registration necessary? I have in mind the possibility of the new proprietor being an undesirable type. N. CINQUE.

Answer.

The giving of particulars of the proprietor of the club is a requirement of reg. 55C of the Defence (General) Regulations, 1939, and applies only on the first registration of a club. A change in proprietorship after registration is not a matter about which information is required to be given. If the X club remains the same club, notwithstanding the change in proprietor, no new registration is necessary.

2.—Criminal Justice Act, 1948—*Sections 20 and 29—Whether prosecutor to be bound over.*

When a person is convicted by a court of summary jurisdiction and is committed to the quarter sessions appeal committee (*a*) for sentence to borstal training under s. 20 of the Criminal Justice Act, 1948, or (*b*) for sentence under s. 29 of that Act, the clerk of the court is required to notify the clerk of the peace and he must give notice to the prosecutor and to the governor of the prison or remand centre of the date on which the case will be dealt with.

There does not seem to be any power for the committing court to bind over any person to prosecute as in the case of an indictable offence under s. 20 of the Indictable Offences Act, 1848.

In view of the fact that the Poor Prisoners Defence Act, 1930, the Costs in Criminal Cases Act, 1908, and the Criminal Appeal Act, 1907, are all applied to cases arising under ss. 20 and 29, and that such cases will be presented to the appeal committee by counsel as was the practice in the similar procedure under s. 10 of the Criminal Justice Administration Act, 1914 (now replaced by s. 20 of the Criminal Justice Act, 1948), it would appear to be advisable for the prosecutor to be bound over as if the committal for sentence were a committal for trial.

Your views on this matter will be greatly appreciated. S.Q.S.

Answer.

We know of no power to bind over any person to prosecute in these circumstances. The defendant has been convicted, and it is not necessary for the prosecution to prove its case again at the sessions. That court has before it certain documents and it inquires into the circumstances before passing sentence. It is certainly convenient that counsel should appear to assist the court, and that the prisoner should, in some cases, have counsel assigned to him to plead in mitigation, but we see no ground for saying that someone may be bound over to prosecute because the Acts mentioned are made applicable.

3.—Fine—*Time to pay, but alternative imprisonment imposed—Grant of further time.*

A person charged with an offence punishable by imprisonment was convicted and a fine was imposed upon him and he was given two months in which to pay. At the time of conviction the justices exercised the powers conferred upon them under the proviso to s. 1 (1), Money Payments Act, 1935, and directed that having regard to the gravity of the offence it was expedient that he should be imprisoned without further inquiry in default of payment.

The time for payment has expired but the amount of the fine has not been paid. The person convicted has now written to the justices to state that owing to illness he is unable to pay the fine and asking that the period of payment should be extended for a further two months. The question has arisen as to whether the justices have power to extend the time for payment in view of the fact that they have already adjudicated on the matter and have decided upon sentence in default of payment. On the other hand it might be argued that the Money Payment Act, 1935, does not prevent the justices extending the period of payment.

Your opinion on this point will be appreciated. STEN.

Answer.

In our opinion, the grant of further time is quite regular. As long ago as 1879 the Summary Jurisdiction Act, by s. 21, authorized the postponement of the issue of process. The Act of 1914 made it generally obligatory to postpone the issue of a commitment where time to pay is requested, and the Act of 1935 provided that where time to pay is granted the general rule is not to impose alternative imprisonment until after a means inquiry. Where the court does impose the alternative at the time of conviction s. 1 (1) does not apply, and the court is free to act under the Criminal Justice Administration Act, 1914. We find nothing in the 1935 Act to prevent a court which has given time for payment from extending that time under s. 2 of the 1914 Act. The Act of 1935 restricts powers of imprisonment, but it is not intended to restrict the power to postpone imprisonment. We should not hesitate to grant further time in a suitable case.

4.—Landlord and Tenant—*Local authority—Rent Restrictions Acts, Pre-1919 houses.*

The point dealt with in P.P.3 at 113 J.P.N. 794 prompts me to raise another. My council own an old cottage purchased some twenty years ago for ultimate demolition in connexion with a proposed development scheme. This has not been carried out and the cottage has been let in the interim, the rents going into a property account not forming part of the housing revenue account. One of the tenants owes a considerable sum in rent and he occupies a cottage which happens to be one which could be usefully taken down to make way for works now proceeding, but it is not essential that it should come down immediately. This tenant is also regarded by the council as being unsatisfactory and undesirable on other grounds, but not such as could be used to obtain legal remedy. If the council give the tenant notice to quit it does not seem that the powers of the Housing Act, 1936, can be applied for the purpose of obtaining possession, since the cottages were not acquired primarily for the housing of the working classes, nor is possession required for that purpose. The house was registered in 1933 under s. 2 of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, as decontrolled. Your opinion on the points stated will be appreciated, and as to whether, if the tenant offers payment of the arrears of rent, the council have the same powers of recovery of possession as they enjoy in respect of houses coming within the Housing Act, 1936.

ALAT.

Answer.

Since the cottage is not kept out of the Rent and Mortgage Interest Restrictions Act, 1939, by s. 3 (2) (c) of that Act, it is controlled thereunder. Section 156 of the Housing Act, 1936, is not available on the facts here stated, unless the "development scheme," so called, is a "redevelopment plan" within s. 36 of that Act or is somehow being carried out within the council's powers under the Housing Acts. Note that s. 156 (1) (*a*) is not limited to continued use for housing, so long as the purpose is within the Acts, and at s. 156 (1) (*c*) does not say "immediately required" or "to be proceeded with forthwith."

Failing these paragraphs, the council will be defeated by the tenant's paying the arrears, since default in paying rent is the only ground they can allege in face of the Rent Restrictions Acts.

5.—Landlord and Tenant—*Temporary letting for poultry keeping of housing land—Agricultural Holdings Act, 1948.*

My council wish to let a portion of land which they acquired for housing purposes and upon which they cannot build at the moment. The prospective tenant wishes to use the land to run poultry and to keep bees, both of which activities are profitable side lines for him not connected with his main occupation. It has been agreed that the tenancy shall be a monthly one terminable by a month's notice on either side. Your opinion is sought as to whether such a tenancy would come within the Agricultural Holdings Act, 1948, in view of the definitions of "agricultural holding" and "agricultural land" contained in s. 1 (1) and s. 1 (2) of that Act.

AGRI.

Answer.

Poultry and apparently bees are "livestock" within s. 94; therefore their keeping is a form of agriculture, and the fact that it is a side line for their keeper will not prevent the land from falling within s. 1, and so s. 2 will not permit a monthly tenancy, except as therein provided. *See*, however, the provision as to the Minister in that section, and S.I. 1948, No. 1871; also paras. (*a*) and (*b*) in s. 24 (2).

6.—Public Health Act, 1936—*Execution of works upon default—Delay by local authority.*

Are a local authority who themselves execute works under s. 290 (6) of the Public Health Act, 1936, subject to any limitation of time? I have read the cases *Morant* v. *Taylor* (1876) 40 J.P. 501; *L.C.C.* v.

the owner of 14 *Lee Street, Stepney* (1926) 90 J.P. 145; and *R. v. Parr* (1906) 70 J.P. 398, and s. 11 of the Summary Jurisdiction Act, 1848. It appears to be clearly laid down in the cases that the words "any order for payment of money or otherwise" in s. 1 of the Summary Jurisdiction Act, 1848, are not to be considered *ejusdem generis* so far as the limitation of time under s. 11 of that Act is concerned. I can trace no enactment prescribing any time during which the local authority must execute works in default, although I should be glad to receive your opinion as to the operation of equity in relation thereto. In doing the work the local authority has no occasion to apply for any order to the justices, although it is clear that any summary proceedings to recover the cost must be commenced within six months of the service of the demand. ACTE.

Answer.

We do not think the local authority are subject to any time limit for beginning to do the works. It might often be oppressive to delay unnecessarily, and if they had occasion to apply in the Chancery Division (*e.g.*, for an injunction restraining the landowner from interfering with their workmen) the court might decline the injunction on the ground of delay. This, however, will be rare and, ordinarily, we do not see any place for equity to come into the matter.

7.—**Public place**—*Meaning of—In Public Order Act* 1936, *and in bye-laws—Bar of licensed premises.*

1. Is the bar of an ordinary licensed public house "a public place" for the purpose of a prosecution under the Public Order Act, 1936?

2. Can it be regarded as a "public place" for the purpose of a prosecution under the following bye-law, made in pursuance of s. 23 of the Municipal Corporations Act, 1882, and s. 16 of the Local Government Act, 1888 :—"No person shall in any street or public place or in any place within view or hearing of any street or public place use any indecent language or gesture, etc. . . ."? S.A.O.A.

Answer.

1. No. Because it does not come within the definition in s. 9 (1) of the Act.

2. We do not think so, but these may be an offence if the obscene language can be heard in the street. The case of *Bacon v. Dutton* (No. 2) (1911) 75 J.P. 209 seems to bear this out.

8.—**Tort**—*Trees in highway—Damage to adjoining land.*

I refer to your article on trees and highways at 112 J.P.N. 22. Would the position be the same where a strip of land is either dedicated or conveyed to the council for the widening of an existing highway with trees situated upon this strip? The trees in question are large, well-established elms, and I do not think there is any doubt (although it was never expressed in writing) that it was intended that the trees should be allowed to remain in the widened highway as an amenity. One of the owners now claims (and it cannot be disputed) that the trees fronting his property interfere with the cultivation of his garden and asks for the removal of the branches and roots over or under his property. Would the conveyance or dedication of land in these circumstances, followed by the request for the removal of the branches and roots, amount to a derogation from the owner's grant? If the grantor could not demand the removal of the branches and roots because there would be a derogation from his grant, would his successors in title be in any better position? It is not practicable to cut the branches and roots and leave the trees; the trees themselves would have to be cut down, and in view of their number and size this would be an expensive undertaking. It may be assumed that the trees are well-established and they cause no greater nuisance now than when the land in question was conveyed or dedicated. A. MECHEM.

Answer.

We assume that plaintiff's case will be framed in nuisance, not in trespass, and, on this assumption, we do not think the principle of derogation from a grant comes into it, as a matter of law, though if an equitable remedy were sought (injunction to compel removal) it might be considered that, so long as the final remark in the query remained true, an injunction ought to be refused. Subject to this, we think the adjoining owner's rights in regard to nuisance are not diminished by the fact that the nuisance occurs upon land formerly in his ownership.

9.—**Theatre**—*Excise licence for sale of intoxicating liquor—Condition for sales only when "premises are open and being used for purposes of a theatre"—Strict interpretation of condition.*

At the present moment I am the holder of the licence under the Theatres Act, 1843, in respect of a theatre owned by an urban district council, and during the autumn and winter months the theatre is used on weekday nights for the performance of stage plays by a repertory company. I am also the holder of an excise licence in respect of the theatre bar, which licence is subject to the usual condition that the licence extends for the sale of intoxicants whilst the premises are open and being used as a theatre for the public performance of stage plays. It is appreciated that, though theatre bars require no justices' licences, by virtue of ss. 4 and 18 of the Licensing Act, 1921, a licensee of a theatre can only sell and supply during the ordinary permitted hours and consumption may take place during these hours. The question has now arisen as to how far the conditions attached to the excise licence affect the position under the 1921 Act and I should be glad of your valued opinion on the following points :—

(1) When the final curtain drops at the end of a performance, do the premises cease to be "used as a theatre" within the meaning of the conditions? If so, must the theatre bar be closed immediately after the dropping of the final curtain?

(2) May the bar remain open until the theatre itself is actually vacated and closed, assuming, of course, that this occurs within the permitted hours? N. BACCHUS.

Answer.

The condition is imposed by the operation of para. 4—"Conditions attached to theatre licence"—of the "Provisions applicable to retailers' on-licences" in the 1st Schedule to the Finance (1909-10) Act, 1910. Contravention of the condition is an offence for which there is liability to an excise penalty of £50 under s. 50 (4) of the Act.

We know of no case in which a judicial construction has been given to the condition "that intoxicating liquor is not sold under the licence except while the premises are open and being used, and to persons bona fide using the premises, for the (purposes of a theatre)," and therefore the opinion we give is empirical rather than strictly legal.

Such theatres as are known to us open their bars (being always within "permitted hours") a reasonable time before the curtain goes up, do a brisk trade during the interval when the curtain is down, and continue to sell intoxicating liquor after the end of the performance. We have never known such a reasonable construction of the condition to be challenged by the Commissioners of Customs and Excise.

Therefore, we feel safe in advising: (1) No. (2) Yes.

OFFICIAL ADVERTISEMENTS, TENDERS, ETC. (*contd.*)

CITY AND COUNTY OF KINGSTON upon HULL

Appointment of Female Probation Officer

APPLICATIONS are invited for the above appointment.

Applicants must not be less than 23 years, nor more than 40, years of age, except in the case of whole-time serving officers and persons who have satisfactorily completed a course of training approved by the Secretary of State.

The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with the prescribed scales.

The successful candidate will be required to pass a medical examination.

Applications, supported by three recent testimonials, should reach the undersigned not later than Monday, May 15, 1950.

T. A. DOUBLEDAY,
Secretary to the Probation Committee.

Law Courts,
Alfred Gelder Street,
Hull.

COUNTY OF MIDDLESEX

Uxbridge Petty Sessional Division

WHOLE-TIME Assistant to Clerk to Justices for Uxbridge Petty Sessional Division. Experienced in keeping magisterial accounts, issuing process, and general duties of Clerk of the Court. Salary £420 × £25—£520 × £30—£550 per annum (consolidated). Established and pensionable subject to medical fitness. Written applications with copies of not more than three recent testimonials must reach the undersigned not later than May 20, 1950. (Quoting G.908 J.P.). Canvassing disqualifies.

C. W. RADCLIFFE,
Clerk to the Standing Joint Committee.

Guildhall,
Westminster, S.W.1.
April 20, 1950.

COUNTY OF CUMBERLAND

Appointment of Full-time Female Probation Officer

THE Cumberland Combined Probation Committee invite applications for the appointment of a full-time female Probation Officer for the Eastern Division of the Combined Probation Area which includes the County Borough of Carlisle.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers' (Superannuation) Order, 1948, and the salary will be in accordance with the prescribed scale. The selected candidate will be required to pass a medical examination.

Applicants must be serving full-time Probation Officers or Trainees under the Home Office probation training scheme.

The selected candidate may provide a motor car for which an allowance will be paid, or a car will be provided by the Committee.

Applications must be received by the undersigned not later than Monday, May 15, 1950.

G. N. C. SWIFT,
Clerk to the Combined Probation Committee.

The Courts,
Carlisle.
April 21, 1950.

SITUATION VACANT

SUSSEX solicitor (part-time Clerk to Justices) requires a Clerk (Shorthand and Typing) with experience of magisterial work an advantage or willing to learn. Salary by arrangement according to experience. Applications, with copy testimonials, to Box No. B12, Office of this paper.

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